

REMARKS/ARGUMENTS

By this Amendment Applicants amend dependent claims 52 and 57 and counter various incorrect inferences raised by the Examiner's Statement of Reasons for Allowance appearing on page 2 of the Notice of Allowability mailed February 6, 2004.

A. CLAIM AMENDMENTS

In amending claims 52 and 57, Applicants change the language " a distance between the sensing means and the diaphragm" to – a distance between the diaphragm and a main image plane of the converging lens, a distance between a main image plane of the lens and the sensing means -- . This change is entirely consistent with page 16 of the original specification, particularly with reference to the formula there given and the definition of S'p and S'r on lines 12 – 15 of page 16.

Applicants have editorially amended claim 59.

B. COMMENTS ON REASONS FOR ALLOWANCE AND COMMENTS REGARDING INTERPRETATION OF CLAIMS AS CURRENTLY WORDED

Applicants disagree with the Examiner's Statement of Reasons for Allowance appearing on page 2 of the Notice of Allowability mailed February 6, 2004 to any and all extent that the Reasons differ from the actual wording of the claims.

As an example of disagreement, as one aspect of the "Reasons" articulated on page 2 of the Notice of Allowability, the Examiner stated that the aiming and visual indication of the reading zone occurs "before performance of the reading operation." This "before" language is not in the claims, and Applicants do not want their claims to be characterized or construed as necessarily requiring an aiming "before" reading. Therefore, Applicants request that the Examiner reconsider the pending claims in light of the ensuing comments.

In the previous prosecution, Applicants noted that one or more applied prior art references only described reading structure (i.e., had no separate aiming structure). To illustrate the deficiency of the prior art reference(s) (which had no distinct aiming apparatus or operation), Applicant stated that the prior art reference(s) did not teach or suggest, in addition to the reading device, further apparatus for performing an aiming and a visual indication of the reading area before performance of an information reading operation (see, November 3, 2003 Amendment, last paragraph on page 15, emphasis added).

The intended gist of Applicants' arguments was that Applicant had distinct and unique dedicated structure for aiming and reading, unlike the applied references. Certainly one example scenario in which such structural uniqueness is clearly evident is a situation in which the aiming precedes or is followed by the reading. But possessing aiming structure and separate reading structure does not require that reading be subsequent to aiming.

Therefore, Applicants request that, for continued examination, the pending claims as currently worded **not** be interpreted or construed as requiring an aiming followed by reading. For example, the current independent claims could also embrace an embodiment wherein the aiming beam and the reading beam are emitted in sequence alternatively and automatically or even simultaneously, albeit from different aiming and reading structures. In the alternative and automatic embodiment, for example, when the time of activation of the aiming beam and the reading beam are short, the operator sees the aiming pattern also during the reading operation. That is, the operator would have a visual indication of the aimed area also during performance of the reading operation.

Applicants submit that the Reasons stated the sixth through 11th lines of the first paragraph of page 2 of the Notice of Allowability also included some editorial errors. For example, the word "focus" should be deleted as extraneous (not included in the independent claims), and the word "shape" should instead be written as "shaped".

Applicants also clarify that Applicant's previous prosecution comments relating to a "clear spot" do not require generation of a substantially circular shape, or any other specific shape, projected on a reading zone. Applicant stated in the November 3, 2003 Amendment, on page 16, fourth paragraph, that Applicant "generates a clear spot on the reading zone". Applicant believes that it would be improper and unduly limiting to interpret this language to require an aiming pattern of a substantially circular shape projected on the reading zone. As understood from the specification and by the person skilled in the art, the spot on the reading zone can be of any size and shape depending on the form of the diaphragm. This is particularly true in view of the original specification's teaching of the diaphragm being of a "preset shape" (the original specification never indicated that the diaphragm had to be of a circular shape).

C. MISCELLANEOUS

Entry of this Amendment After Allowance is respectfully requested.

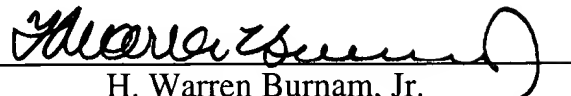
The Notice of Allowance mailed February 6, 2004 introduced the misspelling "INDDICATING" in the title of the invention. It is respectfully requested that the US Patent Office records be check to confirm that the title uses the correct word, i.e., "INDICATING".

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

CANINI et al
Appl. No. 09/400,865
May 5, 2004

Respectfully submitted,

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